

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

AUG. 24, 2021

Clerk, U.S. District & Bankruptcy
Court for the District of Columbia

ALBERT LEE GREER, SR.,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

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Civil Action No. 21-2193 (UNA)

MEMORANDUM OPINION

Plaintiff, a federal prisoner appearing *pro se*, sues the United States under the Privacy Act, 5 U.S.C. § 552a, to compel (1) the U.S. Probation Department in Detroit, Michigan, to correct his presentence investigation report, and (2) the Bureau of Prisons (“BOP”) to “remove all references to ‘Arson Fires’” from his central inmate file. Mot. to Correct Erroneous Info. Contained Within Presentence Investigation Report Pursuant to the Provisions of the Privacy Act (5 U.S.C. § 552) (“Complaint”) at 2, ECF No. 1. The Court will grant Plaintiff’s motion to proceed *in forma pauperis*, ECF No. 2, and dismiss this action under the screening provisions of 28 U.S.C. § 1915A (requiring immediate dismissal of a prisoner’s complaint that fails to state a claim upon which relief may be granted).

It is established that “United States Probation Offices are units of the federal courts and therefore are not subject to the Privacy Act.” *Ramirez v. Dep’t of Just.*, 594 F. Supp. 2d 58, 62 (D.D.C. 2009), *aff’d sub nom. Ramirez v. U.S. Dep’t of Just.*, No. 10-5016, 2010 WL 4340408 (D.C. Cir. Oct. 19, 2010) (citing cases)). And although the Privacy Act generally “gives an individual the right to request amendment of his records” maintained by an Executive branch

agency, BOP has properly exempted its “inmate records systems,” including those containing presentence reports, “from the amendment provisions of the Act.” *White v. U.S. Prob. Off.*, 148 F.3d 1124, 1125 (D.C. Cir. 1998) (per curiam) (citing 5 U.S.C. § 552a(d); 28 C.F.R. § 16.97(a) (other citations omitted)). Consequently, Plaintiff “is barred from seeking amendment of his presentence report” via the Privacy Act. *Id.*; see accord *Lane v. Fed. Bureau of Prisons*, 442 F. App’x 578 (D.C. Cir. 2011) (per curiam) (“The Bureau of Prisons has exempted its inmate records systems from the Privacy Act’s accuracy and amendment provisions.”) (citations omitted)). A separate order of dismissal accompanies this Memorandum Opinion.

Date: August 24, 2021

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EMMET G. SULLIVAN
United States District Judge